

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ORDER

Pursuant to the order entered April 30, 2012 (Docket Entry No. 51), counsel for the parties called the Court on May 29, 2012, at which time the following matters were addressed:

1. Unless the deponents have scheduling conflicts, the plaintiff shall take the depositions of Correctional Officers Jones and Cunningham, Lt. Miller, and defendant Durham on June 25, 2012, and shall take the telephonic deposition of Brook Woods, who is in North Carolina, before or on that date.¹

2. The defendants shall take the depositions of the plaintiff's friends, Michael Shiels, Adam Lipke, and Whitney Pointer, and the parties shall take the depositions of experts Jeff Eisner and Don Leech in Ohio/Kentucky June 19-20, 2012. Unless otherwise agreed by the parties, they shall take discovery depositions of these witnesses and their depositions "for proof" so that they will not have to travel to Ohio/Kentucky twice.

3. Plaintiff's counsel represented that the plaintiff's friends would be made available for their depositions without being subpoenaed.

¹ Counsel for defendant Metro advised that all of these deponents are under "Metro's control," i.e., defendant's counsel can arrange for them to be at their scheduled depositions, except Nurse Woods, who now lives in North Carolina.

4. With the agreement of all parties, if the depositions of any of the above witnesses are not necessary to support or defend the defendants' anticipated motion(s) for summary judgment, such depositions may be deferred to later dates.

5. The plaintiff shall promptly identify the Vanderbilt physicians and one dentist/one oral surgeon who may testify, in person or by deposition, at trial. Plaintiff's counsel advised that he will probably designate two doctors from Vanderbilt and one dentist/oral surgeon in the Northern Kentucky/Ohio area.²

6. Counsel for the parties shall convene a telephone conference call with the Court on **Friday, June 29, 2012, at 9:00 a.m.**, to be initiated by counsel for defendant Metro, to address whether and to what date the June 15, 2012, deadline for completion of all expert discovery should be extended for taking the depositions of damages experts or any other experts not necessary to support or defend the defendants' anticipated motion(s) for summary judgment, establishing a deadline for taking depositions "for proof" at trial, and any other appropriate matters.

It is so ORDERED.



JULIET GRIFFIN
United States Magistrate Judge

² Those physicians are, in addition to Dr. Solomon, the neuropsychologist, who has already been deposed, and the plaintiff's plastic surgeon in Northern Kentucky/Ohio.